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Federal Judge Orders Administration to Classify Polar Bear

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A federal judge in California has ordered the Bush administration to decide by May 15 whether the polar bear deserves protection under the Endangered Species Act.

The decision, issued late Monday by U.S. District Court Judge Claudia Wilken, forces the Interior Department to determine whether climate change is pushing polar bears toward extinction. The agency proposed listing polar bears in December 2006 because warmer temperatures are shrinking the sea ice they depend on for survival, but officials have delayed a final decision on the matter for months.

After Interior missed its own January 2008 deadline, three environmental advocacy groups -- the Center for Biological Diversity, the Natural Resources Defense Council and Greenpeace -- sued Interior Secretary Dirk Kempthorne and the Fish and Wildlife Service

in the U.S. District Court for the Northern District of California.

In a recent filing in the case, Kempthorne proposed making a final decision by June 30. But Wilken rejected that plan, writing that, "Defendants offer no specific facts that would justify the existing delay, much less further delay. To allow Defendants more time would violate the mandated listing deadlines under the [Act] and congressional intent that time is of the essence in listing threatened species."

"Today's decision is a huge victory for the polar bear," said Kassie Siegel, climate program director at the Center for Biological Diversity, who was lead author of the 2005 petition that prompted Interior to consider listing the species. "By May 15th the polar bear should receive the protections it deserves under the Endangered Species Act, which is the first step toward saving the polar bear and the entire Arctic ecosystem from global warming."

The Interior Department did not have an immediate comment. .

The final ruling on the polar bear's status could have far-reaching implications for the nation's climate policy. Several Republicans, including President Bush and Sen. James M. Inhofe (Okla.), the ranking member on the Senate Environment and Public Works Committee, have argued that environmental groups are trying to use the case of the polar bear listing to force a federal limit on greenhouse gas emission